

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

EXXON MOBIL CORPORATION,)	
)	
)	
Plaintiff,)	
)	
v.)	No. 4:16-CV-469-K
)	
MAURA TRACY HEALEY, Attorney)	
General of Massachusetts, in her official)	
capacity,)	
)	
Defendant.)	
)	
)	

**DEFENDANT ATTORNEY GENERAL MAURA HEALEY'S OPPOSITION TO
MOTION TO INTERVENE OF LEONID GOLDSTEIN**

Defendant Attorney General Healey opposes the Motion to Intervene of Leonid Goldstein (Doc. No. 87). The Motion to Intervene should be denied because neither the motion nor the attached pleading state any cognizable claim to intervene under Rule 24 of the Federal Rules of Civil Procedure.

For example, among many other defects, the Motion to Intervene disavows any particularized interest in this case, which Rule 24(a)(2) requires. Motion to Intervene at 3 (movant's "interest is shared by three hundred million Americans"). *See Texas v. United States*, 805 F.3d 653, 657 (5th Cir. 2015) (stating that intervention to vindicate "generalized preference" for certain case outcome or solely for "ideological . . . reasons" insufficient); *New Orleans Pub. Serv., Inc. v. United Gas Pipe Line Co.*, 732 F.2d 452, 463 (5th Cir. 1984) (*en banc*) (requiring, *inter alia*, movant to have "direct, substantial, legally protectable interest in the proceedings"); *see also Pub. Serv. Co. of N.H. v. Patch*, 136 F.3d 197, 205 (1st Cir. 1998) ("It is settled beyond peradventure, however, that an undifferentiated, generalized interest in the outcome of an

ongoing action is too porous a foundation on which to premise intervention as of right.”). And, for the reasons discussed in Attorney General Healey’s briefs supporting dismissal of this action, intervention would be futile because this Court lacks personal jurisdiction over Attorney General Healey and there are other dispositive grounds for dismissal. *See In re Deepwater Horizon*, 546 F. App’x 502, 506 (5th Cir. 2013) (“when a motion to intervene would be futile because the district court is without power to grant the relief sought by the movant, we have held that the motion to intervene must be denied”).

Moreover, it is plain from Mr. Goldstein’s papers, which baldly allege fanciful and irrelevant conspiracy theories, that his intervention would unduly delay and prejudice the orderly adjudication of this case. *See Johnson v. City of Dallas, Tex.*, 155 F.R.D. 581, 586 (N.D. Tex. 1994) (denying discretionary intervention under Fed. R. Civ. P. 24(a)(3) because “intrusion of Movants into this litigation would do little more than needlessly increase costs and delay disposition of the case”).

Mr. Goldstein’s Motion to Intervene should be denied.

Respectfully submitted,

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Dated: November 4, 2016

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 4, 2016, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system. Any other counsel of record will be served in accordance with the Federal Rules of Civil Procedure.

s/ Douglas A. Cawley
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